

**REGULAR SESSION AUGUST 31, 2016**

This day the Board of Morrow County Commissioners met in their office at 80 North Walnut St., Ste. A, Mt. Gilead, Ohio with the following members present: Mr. Leader, Mr. Whiston and Mr. Miller.

Public in attendance: Mike Porter, Warren Davis, Zach Jones (Sentinel), Burgess Castle, Alberta Stojkovic (Sentinel) and Shane Farnsworth (Development Office).

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Miller, who then proceeded with the business at hand. The following matters came before the Board or their consideration and approval.

**IN THE MATTER OF  
APPROVAL OF THE MINUTES  
OF REGULAR SESSION OF AUGUST 29, 2016: 16-R-557**

Mr. Leader made a motion to approve the minutes of regular session of August 29, 2016, as recorded in the Commissioners Journal # 46.

Mr. Whiston duly seconded this motion

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller.., “yea”

**IN THE MATTER OF  
APPROVAL OF BILLS FOR PAYMENT: 16-R-558**

Mr. Miller made a motion to approve payment of bills numbered 1 through 134 submitted by the Morrow County Auditor’s office.

Mr. Whiston duly seconded this motion

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller.., “yea”

**IN THE MATTER OF  
PAY-INS: 16-R-559**

The following pay-ins were made to Patricia K. Davies, Morrow County Auditor:  
Pay-in # 3812 Payment from Ketterman residents for sewer maintenance and operations 121-121-40100 \$27.08  
Pay-in # 3813 Ketterman – City of Galion portion 121-121-40300 \$84.60  
Pay-in # 3814 Payment from Johnsville residents for sewer debt reserve portion 100-101-20100 \$56.00  
Pay-in # 3815 Johnsville sewer maintenance and operations portion 100-101-40100 \$240.00  
Pay-in # 3816 Johnsville sewer debt retirement portion 100-101-50100 \$160.00  
Pay-in # 3817 Payment from Chesterville residents for sewer debt reserve portion 159-159-20100 \$58.80  
Pay-in # 3818 Chesterville sewer maintenance and operations portion 159-159-40100 \$151.20  
Pay-in # 3819 Chesterville sewer debt retirement portion 159-159-50100 \$193.20  
Pay-in # 3820 Chesterville sewer asset management portion 159-159-50200 \$16.80  
Pay-in # 3821 Payment from Morrow County Services for Older Citizens for insurance premium 222-222-08777 \$670.11  
Pay-in # 3838 Payment from Job and Family Services for JFS Service garage rent for September 173-007-79905 \$1,604.48  
Pay-in # 3839 Payment from Chesterville residents for sewer debt reserve portion 159-159-20100 \$19.60  
Pay-in # 3840 Chesterville sewer maintenance and operations portion 159-159-40100 \$50.40  
Pay-in # 3841 Chesterville sewer debt retirement portion 159-159-50100 \$64.40  
Pay-in # 3842 Chesterville sewer asset management portion 159-159-50200 \$5.60  
Pay-in # 3843 Payment from Securus for inmate phone jail portion 401-401-40401 \$1,079.54  
Pay-in # 3844 Payment from Securus for inmate phone general fund portion 001-100-58000 \$190.51

**IN THE MATTER OF  
TRANSFER OF FUNDS – COMMON PLEAS FUND 409: 16-T-103**

At the request of Diana McLain, Fiscal Coordinator, Morrow County Court of Common Pleas, a motion was made by Mr. Leader to approve the following transfer of funds:

From 409-409-01099 Salaries to 409-409-29100 PERS in the amount of \$1,000.00

Mr. Whiston duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller..., “yea”

**IN THE MATTER OF  
APPROVAL OF AN AMENDED DRUG POLICY FOR THE MORROW COUNTY  
PERSONNEL POLICY AND PROCEDURES MANUAL: 16-R-560**

**WHEREAS**, Ohio’s medical marijuana law takes effect on September 8, 2016. Notwithstanding the legality of medical marijuana in Ohio, marijuana, in any form and for any purpose, is still illegal under federal law (the Controlled Substances Act) and is still classified as a Schedule 1 controlled substance. On August 11, 2016, the U.S. Drug Enforcement Agency declined to reschedule marijuana. Thus, marijuana use for any purpose, including medicinal, will remain illegal under federal law for the foreseeable future; and

**WHEREAS**, under Ohio’s new law, employers are not required to permit or accommodate employees’ use, possession, or distribution of medical marijuana; and

**THEREFORE**, Mr. Miller made a motion to amend Morrow County’s Drug Policy for the Morrow County Personnel Policy and Procedures Manual as follows:

- I. Drug Free Workplace Policy.
1. Notice Upon Hiring:
- a. As a condition prior to hiring, all prospective employees will receive a copy of the Morrow County Drug Free Workplace Statement and Policy, and will be required to sign an acknowledgment of receipt which will become a permanent part of the employee’s personnel file.
  - b. In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written statement to the effect that:
    - i. They understand and support the Morrow County Drug Free Workplace Policy.
    - ii. They agree to refrain from violating this policy while employed by the employer.
    - iii. They acknowledge, in advance, that they understand that the penalty for breach can be discharge, and agree that the penalty is appropriate when supported by evidence.
    - iv. They acknowledge that they have been warned that alcohol and drug testing of employees will be conducted in accordance with the County’s policy where there is individualized reasonable suspicion of alcohol or drug use, or drug impairment, or where the drug testing policy permits testing of employees on some other basis.
2. Distribution of Drug Free Workplace Policy:
- a. All current employees will receive a copy of the employer’s Drug Free Workplace Statement and Policy which may be found on the county’s human resource link and will be required to sign a receipt for it, which will become a permanent part of the employee’s personnel file.
  - b. All current employees will be asked to voluntarily sign a statement supporting the strict enforcement of this policy.
  - c. The distribution and acknowledgment of this policy by the employee as well as the Drug Testing Policy in the PPPM will serve as notice to the employee that the county reserves the right to order employees to submit to alcohol or drug

testing where supported by an individualized reasonable suspicion of alcohol or drug use, or drug impairment, or where the drug testing policy permits testing of employees on some other basis.

3. The Drug Free Workplace Policy:

DEFINITIONS:

Alcohol: means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Examples include: beer, wine, mixed beverages, and spirituous liquor as defined by the Ohio Revised Code.

Controlled Substance: any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812); or as defined in R.C. 3719.01.

Conviction: any finding of guilt, including a plea of nolo contendere (no contest), or the imposition of a sentence, or both, by a judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal Drug Statute: a criminal statute which states that a person may not manufacture, distribute, dispense, use, possess, provide, or administer any controlled substance.

For purposes of this policy all definitions will be consistent with R.C. 3719.01 et seq.

POLICY:

- a. It is the policy of the county to maintain a safe and productive workplace free of alcohol and drugs, and free of those individuals who abuse alcohol and drugs.
- b. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance by an employee which takes place in whole or in part in the workplace is strictly prohibited, and will result in criminal prosecution and employee discipline which may include termination from employment.
- c. Any employee convicted of any federal, state, or municipal criminal drug statute must notify the employer of that fact within five (5) calendar days of the conviction. Notification by the employee does not excuse that employee from possible disciplinary action under the employer's Personnel Policy manual.
- d. The County has a zero tolerance policy for employees who are under the influence of drugs and alcohol while at work. Any employee who reports for duty in an altered or impaired condition which is the result of alcohol, the illegal use of controlled substances, or the abuse of legal substances will be subject to disciplinary action or discharge. Employees who are using marijuana with a valid prescription are not exempt from this policy in any way. The use of marijuana in any form, with or without a valid prescription will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including marijuana with a valid prescription, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.
- e. Any employee convicted of a drug offense, who fails to report the conviction as required by the above, will be:
  - i. terminated from employment.
  - ii. forever barred from future employment with Morrow County.
  - iii. held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

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- f. If any employee is not in violation under this Drug Free Workplace Policy, but violates an applicable state, federal, municipal, or other law or regulation that prohibits impairment, and if that violation has a sufficient nexus to the employee’s job, for example being impaired while operating a county vehicle, the employee is still subject to disciplinary action and/or discharge.
- g. Training shall be conducted on a regular basis to inform employees of the dangers of drug abuse in the workplace.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller.., “yea”

**IN THE MATTER OF  
TRANSFER OF FUNDS – CHILD PLACEMENT COSTS: 16-T-104**

Mr. Whiston made a motion to approve the following transfer of funds to cover child placement costs through July 2016.

From 001-033-06027 Admin/Cost Control W/Comp to 001-029-54321 Public Assistance Transfer In/Out in the amount of \$6,000.00

From 001-035-26013 Juvenile Housing to 001-029-54321 Public Assistance Transfer In/Out in the amount of \$11,402.50

From 001-017-29103 Capital Improvements to Public Assistance Transfer In/Out in the amount of \$5,000.00

From 001-029-54321 Public Assistance Transfer In/Out to 041-081-54321 Children Services Transfer In/Out in the amount of \$22,402.50

Mr. Miller duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller.., “yea”

**IN THE MATTER OF  
APPROVAL OF DRAWDOWN REQUEST# 276 FOR THE ECONOMIC  
DEVELOPMENT OFFICE: 16-R-561**

At the request of Ike Hickman, Grant Specialist, a motion was made by Mr. Leader to approve the following drawdown request of funds:

Grant Number	Project Name	Activity Name	Amount Requested	Approved Budget	Balance of Budget
B-C-14-1CB-2	Rehabilitation Assistance	Private Rehabilitation (CR 109)	\$7,109	\$39,550	\$59,645
Total Drawdown			\$7,109		

Mr. Miller duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller.., “yea”

**IN THE MATTER OF  
APPROVAL OF AMENDMENT TO RESOLUTION# 16-R-519, AMENDED RENTAL LEASE  
AGREEMENT WITH MORROW COUNTY BOARD OF HEALTH: 16-R-562**

**WHEREAS**, on August 15, 2016, the Morrow County Commissioner’s approved the amended rental lease agreement with Morrow County Board of Health; and

**WHEREAS**, the credit for the WIC space was not incorporated into the amended lease agreement.

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**THEREFORE**, Mr. Miller made a motion to approve the amended lease agreement as stated below for the term of January 1, 2016 through December 31, 2016 with a credit of \$650.00 monthly for the WIC space:

**Depreciation:**  $153,333.33 \times .189 = \$28,980.00$  (tenant's share of annual depreciation)  
 $\$28,980.00/12 = \textbf{\$2,415.00}$  per month (tenant's monthly share of depreciation)

**Annual Direct Expenses:**  $333,969.71 \times \text{occupancy} .189 = \$63,120.27/12 = \textbf{\$5,260.02}$  per month

**Credit for WIC space:** **\$650.00 per month**

**Total Rent Per Month: \$7,025.02**                      **Annual Total: \$84,300.24**

Mr. Leader duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., "yea" ..,Mr. Whiston..., "yea" .., Mr. Miller..., "yea"

**IN THE MATTER OF  
TRANSFER OF FUNDS – ENGINEERS FUND 2: 16-T-105**

At the request of Randy Bush, Morrow County Engineer, a motion was made by Mr. Miller to approve the following transfer of funds to cover accounts:

From 002-022-21175 Liability Insurance to 002-002-22004 Patching Material in the amount of \$14,000.00

From 002-022-21004 Repair Parts to 002-043-22000 Bridge Materials in the amount of \$17,000.00

From 002-022-21004 Repair Parts to 002-022-21150 Facility Repairs in the amount of \$1,000.00

Mr. Leader duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., "yea" ..,Mr. Whiston..., "yea" .., Mr. Miller..., "yea"

**IN THE MATTER OF  
TRANSFER OF FUNDS – ENGINEERS FUND 15: 16-T-106**

At the request of Randy Bush, Morrow County Engineer, a motion was made by Mr. Leader to approve the following transfer of funds to cover account:

From 015-084-50506 County Highway Income Fines to 015-084-29098 Other Expenses in the amount of \$1,000.00

Mr. Miller duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., "yea" ..,Mr. Whiston..., "yea" .., Mr. Miller..., "yea"

**IN THE MATTER OF  
APPROVAL TO ACCEPT RESIGNATION OF MATTHEW HINTZ AS MORROW  
COUNTY CORONER: 16-R-563**

**WHEREAS**, on July 21, 2016, Matthew Hintz submitted to the Board of Morrow County Commissioners his resignation as Morrow County Coroner effective August 31, 2016 due to his moving out of the County and therefore will no longer be eligible to serve as coroner; and

**WHEREAS**, his insurance will terminated with Morrow County as of August 31, 2016.

**THEREFORE**, Mr. Miller made a motion to accept with regrets the resignation of Matthew Hintz as Morrow County Coroner effective August 31, 2016.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., "yea" ..,Mr. Whiston..., "yea" .., Mr. Miller..., "yea"

**IN THE MATTER OF  
APPROVAL TO APPOINT MATTHEW HINTZ AS INTERIM CORONER  
FOR MORROW COUNTY: 16-R-564**

**WHEREAS**, effective August 31, 2016, Morrow County Coroner Matthew Hintz resigned due to moving his residence out of the County; and

**WHEREAS**, there is now a vacancy in this elected office for Morrow County; and

**WHEREAS**, ORC 305.02 states, the county central committee of the political party with which the last occupant of the office was affiliated shall appoint a person to hold the office and to perform the duties thereof until a successor is elected and has qualified. Not less than five nor more than forty-five days after a vacancy occurs, the county central committee shall meet for the purpose of making an appointment; and

**WHEREAS**, ORC 305.02 also states that the Board of County Commissioners may appoint a person to hold this office and to perform the duties thereof between the occurrence of the vacancy and the time when the officer appointed by the central committee qualifies and takes the office.

**THEREFORE**, Mr. Miller made a motion to approve the appointment of Matthew Hintz as interim coroner of Morrow County effective August 31, 2016 until which time the Republican Central Committee makes its appointment as stated in ORC 305.02. Compensation of the interim coroner's time will be at the coroner coverage rate of \$80.00 per day until an appointment is made by the Central Committee.

Mr. Leader duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., "yea" ..,Mr. Whiston..., "yea" .., Mr. Miller.., "yea"

**IN THE MATTER OF  
PROCLAMATION HONORING THE LEGACY OF MOUNT GILEAD STATE PARK  
ON THE UNVEILING OF IMPROVEMENTS TO THE PARK: 16-R-565**

Mr. Leader made a motion to approve the following Proclamation honoring the legacy of the Mount Gilead State.

**PROCLAMATION  
HONORING THE LEGACY OF MOUNT GILEAD STATE PARK  
ON THE UNVEILING OF IMPROVEMENTS TO THE PARK**

**WHEREAS**, in 1928 Mount Gilead resident C.W. McFarland, President of the Morrow County League of Sportsmen, urged the building of a park and a lake with dams on the Wesley Shaffer farm located just east of town along State Route 95; and

**WHEREAS**, in July, 1929, the Ohio Department of Agriculture tendered an offer of \$60 per acre for the 92 acre Wesley Shaffer farm; and

**WHEREAS**, the J.W. Weeks Company of Dayton, Ohio with a winning bid of \$30,000 was awarded the contract to construct the dams; and

**WHEREAS**, in October, 1930, the Mount Gilead State Park was officially opened; and

**WHEREAS**, since the opening, the Mount Gilead State Park has continued to be a focal point for residents and visitors to Morrow County; and

**WHEREAS**, the Ohio Department of Natural Resources has recently committed over \$9,400,000 in projects consisting of 22 full hook-up campsites, renovations to the campground shower house, improvements to Pavilions one and three, a newly installed campground, and the complete renovation of the two original dams.

**NOW, THEREFORE, WE THE BOARD OF COMMISSIONERS of the County of Morrow**, do hereby on this day, August 31, 2016, recognize and honor the legacy of Mount Gilead State Park and the commitment of the Ohio Department of Natural Resources for their continued support of Morrow County.

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*“The nation behaves well if it treats its natural resources as assets which it must turn over to the next generation increased, and not impaired, in value.” Theodore Roosevelt*

Signed this 31<sup>st</sup> day of August 2016

s/Tom E. Whiston

s/Richard J. Miller

s/Dennis A. Leader

Mr. Miller duly seconded this motion.

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller.., “yea”

There being no further matters to bring before the board, a motion to adjourn was made by Mr. Miller and duly seconded by Mr. Leader.

Roll Call Vote: ..,Mr. Leader..., “yea” ..,Mr. Whiston..., “yea” .., Mr. Miller.., “yea”

We hereby certify the foregoing to be true and correct.

CHAIRMAN

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS